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Date:

2/15/10

Mark D. Lenhart

**Appn. Title:** SUBSTANCES THAT ENHANCE RECALL & LUCIDITY DURING DREAMING

**Serial Number:** 10/604,138

**Appn. Filed:** 06/27/2003

**Patent Agent:** Mark D. Lenhart, # 53203

**Applicant:** Stephen LaBerge

**Examiner/GAU:** MCMILLIAN, KARA RENITA / 1617

**Doc #:** ML100

## Declaration in Support of Request for Consideration: Competitive Recognition via Evidence of Third Party Infringement

In support of the presently enclosed request for consideration, applicant declares as follows:

1. I am the applicant in the above-identified patent application.
2. The invention of the above application is currently and willfully being infringed by third parties. Specifically, after a comparison of the present inventions claims with the marketing claims of two business entities, **ADVANCED DREAM NUTRITION, & BRILLIANT BRANDS LLC**, as literally described below, it is clear that both are infringing on the LaBerge patent application.
4. More specifically, side by side infringing claims, with infringing text in **boldface**:

### Present Invention Claims (Excerpted:

(LaBerge Pat Ap. 10/604,138 Claims)

1.A method of enhancing the frequency and intensity of **lucidity in dreaming** comprising: administering to an individual any of a class of substances that intensify REM sleep via the **Acetylcholine esterase inhibitor** class of drugs.

2.A method according to claim 1 wherein said inhibitor is selected from the group consisting of physostigmine, tetrahydroaminoacridine, tacrine, citicoline, velnacrine maleate, metrifonate, and heptastigmine, heptylphysostigmine, rivastigmine, donepezil, proserin, neostygmin, **galantamine**, nivalin, rivastimin, galantamine, codein, oxazyl, and Ambenonium chlorobenzylchloride.

### Brilliant Infringing Claims (Excerpted:

[brilliantdreams.com/about/about-dreams.htm](http://brilliantdreams.com/about/about-dreams.htm)

Brilliant Brands LLC is a USA based company. ... Our Brilliant Dreams Dream Enhancement Supplement™ is a patent pending, scientific formulation featuring **galanthamine, an acetylcholinesterase inhibitor (AChEI)** that stimulates **vivid dreams** and promotes and supports memory function. The Brilliant Dreams formulation also contains the nutrients choline and vitamin B5 and the hormone melatonin which naturally occurs in the body. This blend has been specially formulated to promote dream recall, enhance dream vividness, encourage **lucid dreaming** and increase dream density.

Respectfully,

Applicant, Stephen LaBerge, c/o

Mark D. Lenhart

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